WISCONSIN STATE LEGISLATURE COMMITTEE HEARING RECORDS

2003-04

(session year)

Assembly

Committee on Campaigns & Elections (AC-CE)

File Naming Example:

Record of Comm, Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b 05hr_AC-Ed_RCP_pt02

Published Documents

Committee Hearings ... CH (Public Hearing Announcements)

Committee Reports ... CR

Executive Sessions ... ES

Record of Comm. Proceedings ... RCP

Information Collected For Or Against Proposal

Appointments ... Appt

> Clearinghouse Rules ... CRule

> <u>Hearing Records</u> ... HR (bills and resolutions)

> 03hr_ab0325_AC-CE_pt01

Miscellaneous ... Misc

Vote Record

Committee on Campaigns and Elections Date: Moved by: Seconded by: SB. Clearinghouse Rule__ SJR_ Appointment____ SR Other_ A/S Amdt A/S Amdt to A/S Amdt A/S Sub Amdt A/S Amdt to A/S Sub Amdt to A/S Amdt to A/S Sub Amdt Be recommended for: Adoption Adoption Rejection Passage □ Confirmation ☐ Concurrence ☐ Indefinite Postponement Introduction ☐ Tabling □ Nonconcurrence Committee Member No Absent Not Voting Representative Stephen Freese, Chair **Representative Mark Gundrum** Representative Glenn Grothman Representative Jeffrey Wood **Representative David Travis Representative Mark Pocan** Totals:

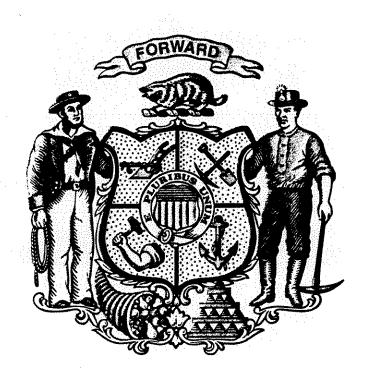
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B	Motion	Carried

Vote Record

Committee on Campaigns and Elections Date: Moved by: Seconded by: SB Clearinghouse Rule_____ Appointment___ SR Other_ A/S Amdt A/S Amdt to A/S Amdt A/S Sub Amdt A/S Amdt to A/S Sub Amdt A/S Amdt to A/S Amdt to A/S Sub Amdt Be recommended for Passage ☐ Adoption Confirmation □ Concurrence ☐ Indefinite Postponement ☐ Introduction □ Rejection □ Tabling □ Nonconcurrence Committee Member Absent **Not Voting** Representative Stephen Freese, Chair Representative Mark Gundrum Representative Glenn Grothman Representative Jeffrey Wood Representative David Travis **Representative Mark Pocan**

Totals:







SCHOOL ADMINISTRATORS ALLIANCE

4797 Hayes Road • 2nd Floor Madison, Wisconsin 53704 (608) 242-1370 • FAX (608) 242-1290 Web site: http://www.wsaa.org

DATE:

July 23, 2003

TO:

Interested Legislators

FROM:

John D. Forester, Director of Government Relations

SUBJECT:

Assembly Bill 325

An Alliance of:

Association of Wisconsin School Administrators

Wisconsin Association of School District Administrators

Wisconsin Association of School Business Officials

Wisconsin Council for Administrators of Special Services The School Administrators Alliance (SAA) opposes Assembly Bill 325, which would require certain referenda held by school districts and other local governments to borrow money to contain the total estimated cost of debt service and the length of time until the debt is retired.

Although I find the bill's objective of providing full informational disclosure to voters and taxpayers laudable, our consultation with several bond counsels yielded significant concerns about the bill. In general, the legislation appears to restrict the debt management flexibility of local governments, brings uncertainty to the bond issuance process and will not necessarily help voters make more informed decisions. More specifically, our concerns include:

- A number of factors make estimating the interest cost and length of borrowing difficult. Most school building projects are funded over a period of years with perhaps multiple borrowings in order to comply with federal spend down requirements and manage the impact of the new debt on the tax levy. Bonds approved at referendum can be issued up to five years after the referendum date. Interest rates can fluctuate significantly over the five-year period. Even the actual cost of the project is often uncertain at the time of the referendum.
- If the estimates ultimately prove to be too low because of rising interest rates, the validity of the successful referendum may be vulnerable to legal challenge by referendum opponents even if the estimates are represented to be just good faith estimates. It would be difficult for bond counsel to give a clean opinion about the validity of the referendum in such a circumstance. By bringing uncertainty to the bond issuance process and increasing the potential for legal challenges to successful referenda, AB 325 may inadvertently contribute to thwarting the will of local voters and adding additional costs to the taxpayer.
- By placing at least perceived limits on the total cost and term of the proposed debt, this legislation will limit the flexibility in market timing and amortization term that school officials currently use to manage the annual cost to the taxpayer.

July 23, 2003 Page 2

• It seems questionable that the interests of disclosure will be served by providing voters with largely inaccurate estimates of aggregate debt service cost and term of the proposed debt. The most important numbers for voters are annual cost and the impact the proposed borrowing will have on their tax bill. This information is already routinely provided in the public information voters receive prior to the referendum election.

I have taken the liberty of attaching a letter from Thomas E. Griggs, attorney with the Godfrey & Kahn law firm. Attorney Griggs has extensive experience in providing bond counsel services to school districts and other units of local government throughout Wisconsin. His letter expresses his concerns about AB 325.

Thank you for your consideration of our views on this issue. If you have any questions regarding the SAA's position on AB 325, please contact me at (608) 242-1370.



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GODFREY & KAHN, S.C. MILWAUKEE APPLETON GREEN BAY WAUKESHA

July 23, 2003

LAFOLLETTE GODFREY & KAHN

Assembly Committee on Campaigns and Elections State Capitol Madison, WI

RE: Assembly Bill 325

Dear Committee Members:

I am writing to you to express my concerns about AB 325. I am an attorney and my practice is devoted primarily to providing bond counsel services to local governmental units throughout the State of Wisconsin. I have been engaged in this practice for twenty-three years. During that time I have been involved in literally hundreds of bond referenda.

AB 325 would require a local governmental unit to include in a bond referendum question the total estimated cost of debt service on the proposed borrowing and the length of time until the debt is retired. Based on my experience, I do not believe this information would be particularly helpful or meaningful to voters and could introduce an element of uncertainty to the bond issuance process. Let me elaborate.

As to the requirement to include estimated debt service, I do not believe that stating an estimated lump sum debt service figure will have particular relevance to the voter and may actually lead to some confusion on the ballot as to how much debt (i.e., the principal amount vs. the total debt service) is being approved. Right now, voters are pretty adept at evaluating the principal amount proposed to be borrowed and the project being financed. If they think the project is worthwhile but the proposed amount of the borrowing is too high, they will vote against it.

In the abstract, total debt service is not a number that the voter can readily relate to. What voters relate to is the impact that the proposed borrowing will have on their tax bill (i.e., how much more in taxes will they pay annually to pay off the proposed borrowing). This "tax impact" information is routinely provided in the public information provided to voters prior to the referendum election. Thus, in reality, voters are already getting the information they need to make an informed decision. Providing them with an aggregate debt service number will not lead to more informed decisions by voters.

As to the requirement to include the length of the debt in the referendum question, our constitution and statutes place a twenty-year limit on most general obligation debt. Public officials should always have the flexibility to extend debt out to the maximum twenty-year term

Assembly Committee on Campaigns and Elections July 23, 2003 Page 2

even if the debt is initially issued for less than twenty years. Requiring the length of the debt to be stated in the referendum question could foreclose that flexibility. I would also reiterate the "tax impact" point made above. That is, voters are routinely provided with information as to the length of time that the "tax impact" will be in effect which corresponds to the length of time the debt is expected to be outstanding. Thus, voters are already getting the information they need to make an informed decision on the length of debt issue.

Finally, I am concerned that the changes proposed by AB 325 would bring uncertainty to the bond issuance process. Even though the language as written identifies the information as "estimated" debt service and length of debt, I am concerned that these estimates will provide fodder for lawsuits when the estimates differ from the actual facts when the local government unit attempts to issue the debt. For varying reasons, long periods of time can expire between the referendum and actual issuance of the debt. Our statutes provide that bonds approved at referendum can be issued for up to five years after the referendum date. Interest rates can change significantly over that period of time. As a result, it would not be uncommon for the debt, once issued, to exceed the estimates in the referendum question. The alternative for the local government unit is to be conservative and "boost" the estimate up so that the debt, when issued, falls within the estimate. In that circumstance, voters would not be getting information upon which they could make an informed decision.

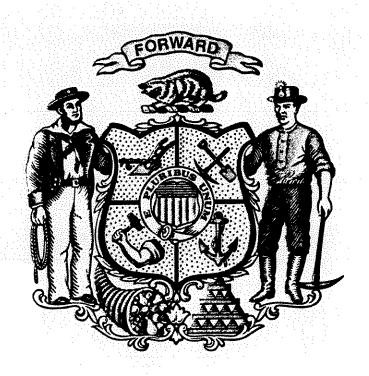
I urge the Committee to take these concerns into account as it considers the action to be taken on AB 325.

Thank you for considering my comments.

Very truly yours,

Thomas E. Griggs

TEG:MAP MW736016_1.DOC







122 W. Washington Avenue, Madison, WI 53703 Phone: 608-257-2622 • Fax: 608-257-8386

TO:

Assembly Committee on Campaigns and Elections

FROM:

Sheri Krause, Legislative Services Coordinator

DATE:

July 24, 2003

RE:

Assembly Bill 325, relating to requiring certain referenda held by local

governmental units to borrow money to contain financial details.

The Wisconsin Association of School Boards has several concerns regarding Assembly Bill 325, which would require a local government's debt referendum question to specify the total estimated cost of debt service and the length of time until the debt is retired.

The intent of this legislation is laudable. Governmental units, including school boards, have an obligation to disclose as much information to voters and taxpayers as possible. Currently, school boards are given an estimate of the total debt service and the likely length of the financial obligations for the proposed borrowing before approving a resolution calling for a referendum. That information is widely shared through public hearings, the media and other communications.

However, if this information is specifically required to be on the ballot, questions arise as to whether the "reasonable estimates" will be binding on the actual bonds, which are issued as much as several years following the referendum. It also raises the possibility of a legal challenge at the time of issuance, which would increase a district's legal fees and drain needed resources away from students.

School districts are already subject to the toughest revenue limit controls of any unit of government and are statutorily limited in the amount of debt they can incur. For these reasons, we ask that you not advance AB 325. Thank you.

OFF FIT CHES

MADISON

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WINNECONNE 132 W. Main Street P.O. Box 160 Winneconne, WI 54986 Phone: 920-582-4443

Fax: 920-582-9951

BOARDO OF BARECTORS

NEIL DURESKY

President Region 6 LaCrosse School Board 2921 Concord Place LaCrosse, WI 54601

IOE DANNECKER

Ist Vice President
Region 14
Milwaukee School Board
2824 S. Wentworth Avenue
Milwaukee, WI 53207

MELODY GEHRT

2nd-Vice President

Region 8 Brillion School Board 1038 Holland Road Kaukauna, WI 54130

MARY ANNE STEWART

Immediate Past President Region 10 Baraboo School Board 803 Fifth Street Baraboo WI 53913

SID BJORKMAN

Region, I

Amery School Board
612 Cross Avenue
Amery, WI 54001

RICHARD BURBY

Region 2

Elcho School Board N11181 Oak Lane (http://www. Elcho, WI 54428

ROSE BOWEN

Region 3

Oconto School Board 215 Lindsey Avenue Oconto, WI 54153

Nancy Donovanii

Region 4

Hudson School Board 1703 Chestnut Drive Hudson, WI 54016

WALTER WETZEL

Region 5

614 East 5th Street Neillsville, WI 54456

DOROTHY TEWS

Region T

Neenah School Board 985 Babcock Street, #7 Neenah, WI 54956

PAUL KINNEY

Region 9

Riverdale-Schööl Board - 11826 Maple Valley Road Blue River, WI 53518

JUDIE RISTOW

Region 11

Arrowhead UHS School Board W287N3173 Lakewood Lane Pewnukee, WI 53072

PAT LUND

Region 12 Stoughton School Board 2289 Williams Point Drive Stoughton, WI 53589

PATRICK SHERMAN....

Region 13

Genoa City J2 School Board

PO Box 724

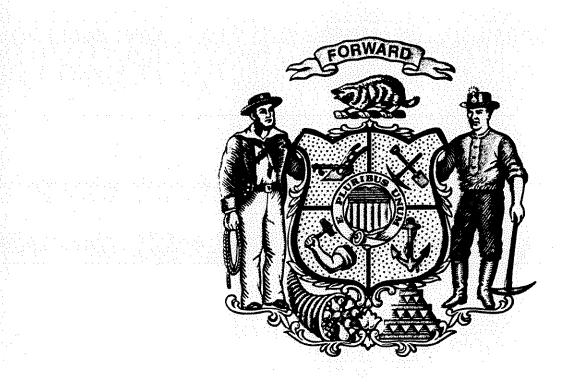
Genoa City, WI 53128

GABE KOLESARI

Region 15

Hamilton School Board NooW24468 Champeny Road

Sussex: W1 53089





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director Laura D. Rose, Deputy Director

TO:

REPRESENTATIVE STEPHEN FREESE

FROM:

Robert J. Conlin, Senior Staff Attorney

RE:

Description of 2003 Assembly Bill 325 and Assembly Substitute Amendment 1, Relating to

Requiring Certain Referenda Held by Local Governmental Units to Borrow Money to

Contain Financial Details

DATE:

February 17, 2004

This memorandum provides a brief description of 2003 Assembly Bill 325 and Assembly Substitute Amendment 1 to the bill. Both relate to requiring certain referenda held by local governmental units to borrow money to contain financial details. The bill was introduced by Representative Friske and others and was cosponsored by Senator Cowles. The bill was referred to the Assembly Committee on Campaigns and Elections, which held a public hearing on the bill on July 24, 2003. Assembly Substitute Amendment 1 was offered by Representative Friske on February 5, 2004.

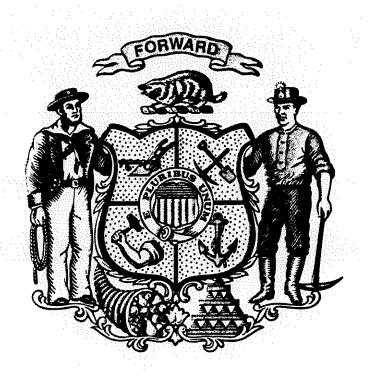
Generally, current law allows local governmental units that have the authority to levy a tax to borrow money to finance any project that is undertaken for a public purpose. In order to borrow such funds, a local governmental unit must typically conduct a referendum on the question of its proposed borrowing.

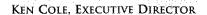
2003 Assembly Bill 325 requires a local governmental unit holding a referendum to borrow money to specify in the referendum question the total estimated cost of debt service and the length of time until the debt is retired.

Assembly Substitute Amendment 1 instead requires the governmental unit to include in its question a reasonable estimate by the municipality of the total anticipated cost of the debt service and a reasonable estimate by the municipality of the anticipated length of time until the debt is retired.

If you have any questions on this matter, please feel free to contact me directly at the Legislative Council staff offices.

RJC:jal:tlu







122 W. Washington Avenue, Madison, WI 53703 Phone: 608-257-2622 • Fax: 608-257-8386

TO:

Assembly Committee on Campaigns and Elections

FROM:

Sheri Krause, Legislative Services Coordinator

DATE:

February 18, 2004

RE:

Assembly Bill 325, relating to requiring certain referenda held by local

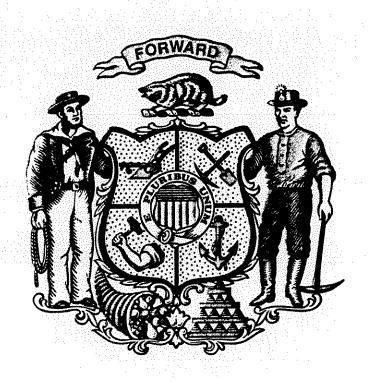
governmental units to borrow money to contain financial details.

Assembly Bill 325 is scheduled for an executive session on Thursday, February 19 in the Assembly Campaigns and Elections Committee. The Wisconsin Association of School Boards opposes AB 325, which would require a local government's debt referendum question to specify the total estimated cost of debt service and the length of time until the debt is retired. Although a substitute amendment has been introduced, we remain concerned that AB 325 will contribute to additional litigation for school districts.

School boards have an obligation to disclose as much information as possible about pending referendums to voters and taxpayers. That includes the estimated total debt service and the likely length of the financial obligations of any proposed borrowing. This information is widely disseminated through public hearings, the media and other communications.

However, bond counsels and others have raised concerns about specifically listing the "reasonable estimate of the total anticipated cost of debt service on the loan and the reasonable estimate of the anticipated length of time until the debt is retired" on the ballot. They are concerned that due to the way interest rates can fluctuate between the time the referendum is held and the bonds are actually issued, these "reasonable estimates" will be fodder for litigation and limit districts' flexibility in refinancing debt in the best interest of taxpayers.

School districts are already subject to the toughest revenue limit controls of any unit of government and are statutorily limited in the amount of debt they can incur. For these reasons, we ask that you not advance AB 325. Thank you.





SCHOOL ADMINISTRATORS ALLIANCE

4797 Hayes Road • 2nd Floor Madison, Wisconsin 53704 (608) 242-1370 • FAX (608) 242-1290 Web site: http://www.wsaa.org

DATE:

February 19, 2004

TO:

Assembly Committee on Campaigns and Elections

FROM:

John D. Forester, Director of Government Relations

SUBJECT:

Assembly Bill 325

An Alliance of:

Association of Wisconsin School Administrators

Wisconsin Association of School District Administrators

Wisconsin Association of School Business Officials

Wisconsin Council for Administrators of Special Services On July 23, 2003, I submitted a memo that expressed the SAA's opposition to Assembly Bill 325. As I understand it, the Committee will consider Assembly Substitute Amendment 1 to AB 325 in Executive Session on Thursday, February 19th.

As with the original AB 325, our consultation with bond counsels has yielded significant concerns about the Substitute Amendment. In fact, the Substitute Amendment fails to alleviate any of our original concerns about the bill. Therefore, I am resubmitting my memo of July 23, 2003 to express our opposition to the Substitute Amendment as well.

I have taken the liberty of attaching two letters from Thomas E. Griggs, attorney with extensive experience providing bond counsel services throughout Wisconsin. His letters express his concerns about AB 325 as well as Assembly Substitute Amendment 1.

Thank you for your consideration of our views on this issue. If you have any questions regarding the SAA's position on AB 325, please contact me at (608)242-1370.



SCHOOL ADMINISTRATORS ALLIANCE

4797 Hayes Road • 2nd Floor Madison, Wisconsin 53704 (608) 242-1370 • FAX (608) 242-1290 Web site: http://www.wsaa.org

DATE:

July 23, 2003

TO:

Interested Legislators

FROM:

John D. Forester, Director of Government Relations

SUBJECT:

Assembly Bill 325

An Alliance of:

Association of Wisconsin School Administrators

Wisconsin Association of School District Administrators

Wisconsin Association of School Business Officials

Wisconsin Council for Administrators of Special Services The School Administrators Alliance (SAA) opposes Assembly Bill 325, which would require certain referenda held by school districts and other local governments to borrow money to contain the total estimated cost of debt service and the length of time until the debt is retired.

Although I find the bill's objective of providing full informational disclosure to voters and taxpayers laudable, our consultation with several bond counsels yielded significant concerns about the bill. In general, the legislation appears to restrict the debt management flexibility of local governments, brings uncertainty to the bond issuance process and will not necessarily help voters make more informed decisions. More specifically, our concerns include:

- A number of factors make estimating the interest cost and length of borrowing difficult. Most school building projects are funded over a period of years with perhaps multiple borrowings in order to comply with federal spend down requirements and manage the impact of the new debt on the tax levy. Bonds approved at referendum can be issued up to five years after the referendum date. Interest rates can fluctuate significantly over the five-year period. Even the actual cost of the project is often uncertain at the time of the referendum.
- If the estimates ultimately prove to be too low because of rising interest rates, the validity of the successful referendum may be vulnerable to legal challenge by referendum opponents even if the estimates are represented to be just good faith estimates. It would be difficult for bond counsel to give a clean opinion about the validity of the referendum in such a circumstance. By bringing uncertainty to the bond issuance process and increasing the potential for legal challenges to successful referenda, AB 325 may inadvertently contribute to thwarting the will of local voters and adding additional costs to the taxpayer.
- By placing at least perceived limits on the total cost and term of the proposed debt, this legislation will limit the flexibility in market timing and amortization term that school officials currently use to manage the annual cost to the taxpayer.

DATE:

July 23, 2003

TO:

Interested Legislators

FROM:

John D. Forester, Director of Government Relations

SUBJECT:

Assembly Bill 325

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Although I find the bill's objective of providing full informational disclosure to voters and taxpayers laudable, our consultation with several bond counsels yielded significant concerns about the bill. In general, the legislation appears to restrict the debt management flexibility of local governments, brings uncertainty to the bond issuance process and will not necessarily help voters make more informed decisions. More specifically, our concerns include:

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- By placing at least perceived limits on the total cost and term of the proposed debt, this legislation will limit the flexibility in market timing and amortization term that school officials currently use to manage the annual cost to the taxpayer.



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GODFREY & KAHN, S.C.
MILWAUKEE
APPLETON
GREEN BAY
WAUKESHA

LAFOLLETTE GODFREY & KAHN MADISON

February 18, 2004

Assembly Committee on Campaigns and Elections State Capitol Madison, WI

RE: Assembly Substitute Amendment 1 to 2003 Assembly Bill 325

Dear Committee Members:

On July 23, 2003 I submitted a letter to you to express my concerns about AB 325. A copy of that letter is attached hereto. The Committee is now considering Substitute Amendment 1 to AB 325. The Substitute Amendment makes minimal changes to AB 325 by providing that "reasonable estimates" of total debt service and length of time for debt retirement be included in referendum questions to approve debt issuance. Quite frankly, the "reasonable estimate" concept was implicit in AB 325 as originally drafted. Stating it explicitly in the Substitute Amendment does not alleviate any of the concerns over the proposed legislation as expressed in my July 23, 2003 letter. Therefore, I am resubmitting my letter of July 23, 2003 as a restatement of my concerns over the Substitute Amendment.

I urge the Committee to take these concerns into account as it considers the action to be taken on Substitute Amendment 1 to 2003 Assembly Bill 325.

Thank you for considering my comments.

Very truly yours,

Thomas E. Griggs

Thomas Elling

TEG:MAP mw793535 1.DOC



July 23, 2003

780 NORTH WATER STREET MILWAUKEE, WI 53202-3590 TEL 414-273-3500 FAX 414-273-5198 www.gkiaw.com

> Godfrey & Kahn, s.c. Milwaukee Appleton Green Bay Waukesha

LAFOLLETTE GODFREY & KAHN MADISON

Assembly Committee on Campaigns and Elections State Capitol Madison, WI

RE: Assembly Bill 325

Dear Committee Members:

I am writing to you to express my concerns about AB 325. I am an attorney and my practice is devoted primarily to providing bond counsel services to local governmental units throughout the State of Wisconsin. I have been engaged in this practice for twenty-three years. During that time I have been involved in literally hundreds of bond referenda.

AB 325 would require a local governmental unit to include in a bond referendum question the total estimated cost of debt service on the proposed borrowing and the length of time until the debt is retired. Based on my experience, I do not believe this information would be particularly helpful or meaningful to voters and could introduce an element of uncertainty to the bond issuance process. Let me elaborate.

As to the requirement to include estimated debt service, I do not believe that stating an estimated lump sum debt service figure will have particular relevance to the voter and may actually lead to some confusion on the ballot as to how much debt (i.e., the principal amount vs. the total debt service) is being approved. Right now, voters are pretty adept at evaluating the principal amount proposed to be borrowed and the project being financed. If they think the project is worthwhile but the proposed amount of the borrowing is too high, they will vote against it.

In the abstract, total debt service is not a number that the voter can readily relate to. What voters relate to is the impact that the proposed borrowing will have on their tax bill (i.e., how much more in taxes will they pay annually to pay off the proposed borrowing). This "tax impact" information is routinely provided in the public information provided to voters prior to the referendum election. Thus, in reality, voters are already getting the information they need to make an informed decision. Providing them with an aggregate debt service number will not lead to more informed decisions by voters.

As to the requirement to include the length of the debt in the referendum question, our constitution and statutes place a twenty-year limit on most general obligation debt. Public officials should always have the flexibility to extend debt out to the maximum twenty-year term

Assembly Committee on Campaigns and Elections July 23, 2003 Page 2

even if the debt is initially issued for less than twenty years. Requiring the length of the debt to be stated in the referendum question could foreclose that flexibility. I would also reiterate the "tax impact" point made above. That is, voters are routinely provided with information as to the length of time that the "tax impact" will be in effect which corresponds to the length of time the debt is expected to be outstanding. Thus, voters are already getting the information they need to make an informed decision on the length of debt issue.

Finally, I am concerned that the changes proposed by AB 325 would bring uncertainty to the bond issuance process. Even though the language as written identifies the information as "estimated" debt service and length of debt, I am concerned that these estimates will provide fodder for lawsuits when the estimates differ from the actual facts when the local government unit attempts to issue the debt. For varying reasons, long periods of time can expire between the referendum and actual issuance of the debt. Our statutes provide that bonds approved at referendum can be issued for up to five years after the referendum date. Interest rates can change significantly over that period of time. As a result, it would not be uncommon for the debt, once issued, to exceed the estimates in the referendum question. The alternative for the local government unit is to be conservative and "boost" the estimate up so that the debt, when issued, falls within the estimate. In that circumstance, voters would not be getting information upon which they could make an informed decision.

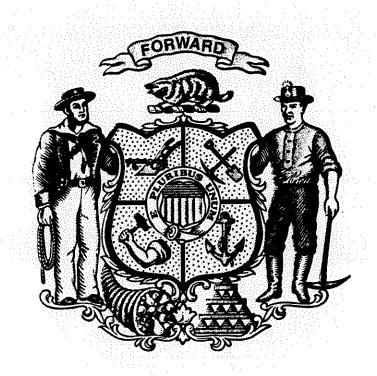
I urge the Committee to take these concerns into account as it considers the action to be taken on AB 325.

Thank you for considering my comments.

Very truly yours,

Thomas E. Griggs

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AB 335 Hwants bird held until notified by author! Land of the state of the state